

### REMARKS

Claims 1-19, 21-25, and 27-38 were rejected. Claim 21 was objected to. By virtue of this response, claim 21 is amended. Claims 1-19, 21-25, 27-30, and 33-38 are pending. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

#### **I. Claim 21 Objection**

Claim 21 has been amended to correct the dependency.

#### **II. Claim Rejections Under 35 U.S.C. § 102**

Claims 35-38 were rejected under 35 U.S.C. 102(a) as allegedly being anticipated by LM Ericsson International Publication No.: WO-2004/016012 A1 (“Telefonaktiebolaget”).

##### **A. Independent Claim 35; Dependent Claims 36 and 37**

Independent claim 35 recites, in part, “the user request message includes a request for multicast service and [a] first list of received neighbouring cells.” Thus, the user request message includes **both** a request for multicast service and a list of neighboring cells.

Applicants note that MPEP 2131 states that “[a] claim is anticipated only **if each and every element** as set forth in the claim is found, either **expressly or inherently described**, in a single prior art reference.” (Emphasis added)

In contrast to the claims, Telefonaktiebolaget discloses that a mobile station “needs to register with network 12 to provide an indication of the mobile’s active set.” (Paragraph [0053]). Thus, Telefonaktiebolaget fails to at least disclose, inherently or expressly, “[a] user request message [that] includes a request for multicast service,” as recited by independent claim 35. (Emphasis added).

Furthermore, independent from providing the network with the mobile’s active set disclosed in paragraph [0053], paragraph [0054] discloses a “registration request” received from the mobile station at the network. In response to a “registration request” the “network activates (or

continues) transmission of a requested broadcast service for an entire service zone.” (Paragraph [0009]) “Registration requests” are discussed throughout Telefonaktiebolaget. However, Telefonaktiebolaget fails to inherently or expressly disclose that the “registration requests” include a “first list of received neighbouring cells,” as recited by independent claim 35.

In fact, paragraph [0059] of Telefonaktiebolaget inherently discloses that “registration requests” do not include a “first list of received neighbouring cells.” Paragraph [0059] states “usually just one but no more than a few registration requests normally will be transmitted from even large groups of mobile stations.” Thus, if the mobile stations of Telefonaktiebolaget used “registration requests” to register active sets, then all of the mobile stations would have to transmit registration requests in order to register their active sets.

Therefore, Telefonaktiebolaget at least fails to inherently or expressly disclose that a “user request message includes a request for multicast service and [a] first list of received neighbouring cells,” as recited by independent claim 35.

For at least this reason, Applicants respectfully assert that claim 35 is allowable over Telefonaktiebolaget. Furthermore, Applicants respectfully assert that claims 36 and 37, which depend on claim 35, are allowable for at least the reason that they depend on an allowable independent claim.

#### **B. Independent Claim 38**

Independent claim 38 recites, in part, “receiving a user message ... in the first cell” and “[only] initiating the multicast service in the group of cells neighboring the first cell.” Additionally, claim 38 specifies that “the user equipment [is] in the first cell.” In other words, the multicast service is **only initiated in cells other than the cell containing the user equipment**.

In the final Office Action, the Examiner cites to paragraph [0054] of Telefonaktiebolaget as disclosing the activation of service only in a group of cells neighboring the first cell. In response, Applicants respectfully disagree.

However, paragraph [0054] states “the broadcast service [is activated] only in the service areas 10 identified in the requesting mobiles station’s reported active set.” Active set reports typically “entail reporting the set of RBSs 34 from which it receives signals above a given signal strength.” (Paragraph [0051]). Thus, the active set includes the cell where the mobile station is located. In other words, paragraph [0054] states that the broadcast service will be initiated in **both** the cell where the mobile station is located **and** the cells neighboring that cell.

Therefore, Telefonaktiebolaget at least fails to disclose, “receiving a user message ... in the first cell” and “[**only**] initiating the multicast service in the **group of cells neighboring the first cell**,” as recited by claim 38. For at least this reason, Applicants respectfully assert that claim 38 is allowable over Telefonaktiebolaget.

### **III. Claim Rejections Under 35 U.S.C. § 103**

#### **A. Independent Claims 1 and 23; Dependent 18**

Claim 1, 18 and 23 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over US Patent Publication No.: 2005/0213541 (“Jung”) in view of Telefonaktiebolaget.

Independent claim 1 recites, in part, “a user message transmitted by user equipment positioned in a second cell” and “initiating the multicast service in the first cell.” Independent claim 23 recites, in part, “user equipment . . . in a first cell” and “transmission of the multicast service by . . . a second cell.” Thus, claims 1 and 23 recite that **the cell providing the multicast service is different from the cell containing the user equipment**.

In the final Office Action, in item 18, lines 5-7, the Examiner cites to paragraph [0085] of Jung as disclosing “the SRNC sensing the movement of the terminal/user\_equipment from 2<sup>nd</sup> cell and transmitting an MBMS connection request message to a DRNC i.e. 1<sup>st</sup> cell.”

Applicants respectfully disagree. Paragraph [0085] of Jung states that the SRNC senses when “a terminal moves into a cell managed by a DRNC.” In other words, the SRNC is sensing that the terminal has already moved to the cell and not sensing an impending move to a cell

controlled by a DRNC. Once the terminal has moved to the DRNC, the SRNC sends a “MBMS connection request message . . . to [the] DRNC,” and the DRNC replies with a “MBMS connection response message [that] includes . . . information of **the cell into which the terminal has moved.**” (Paragraph [0085]). Thus, if the DRNC provides service based the MBMS connection request, the service is initiated in the same cell that contains the terminal.

Therefore, Jung at least fails to disclose or suggest providing multicast service in a cell different from the cell containing the user equipment.

For at least this reason, Applicants respectfully assert that independent claims 1 and 23 are allowable over the combination of Jung and Telefonaktiebolaget. Additionally, Applicants respectfully assert that claim 18, which depends on claim 1, is allowable for at least the reason that claim 18 depends on an allowable independent claim.

**B. Dependent Claims 2 and 14**

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Telefonaktiebolaget and further in view of U.S. Patent Publication No.: 2006/0194582 A1 (“Cooper”).

Applicants respectfully assert that claims 2 and 14, which depend on claim 1, are allowable for at least the reason that claims 2 and 14 depends on an allowable independent claim.

**C. Dependent Claim 17**

Claim 17 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Telefonaktiebolaget, further in view of Cooper, and further in view of 3GPP TS 25.346 V6.0.0 (2004-03) (“3GPP”).

Applicants respectfully assert that claim 17, which depends on claim 1, is allowable for at least the reason that claim 17 depends on an allowable independent claim.

D. Dependent Claims 3-6, 8, 9-13, 15-16, 24-25, and 27-30

Claims 3-6, 8, 9-13, 15-16, 24-25 and 27-30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Telefonaktiebolaget and further in view of 3GPP.

Applicants respectfully assert that claims 3-6, 8, 9-13, 15-16, 24-25 and 27-30, which variously depend on independent claims 1 and 23, are allowable over for at least the reason that they depend on an allowable independent claims.

E. Independent Claim 19; Dependent Claims 21 and 22

Claims 19 and 21-22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Cooper.

Independent claim 19 recites, in part, “for each cell, . . . accumulating a first count of user messages having the cell included in the [neighbouring cells] list.” Thus, the user message count for a cell is incremented if the cell is included in the **neighbouring cell list** in the user message.

In contrast to the claims, Jung discloses a “counting function” that uses “the MBMS notification process.” (Paragraph {0026}). Thus, Jung at least fails to suggest or disclose that the “counting function” utilizes a neighboring cell list.

Therefore, Jung at least fails to disclose or suggest that “for each cell, . . . accumulating a first count of user messages having the cell included in the [neighbouring cell] list,” as recited by claim 19.

Furthermore, also in contrast to the claims, Cooper discloses methods for the handover of a call between mobile communication networks such as UMTS and GSM networks. (Paragraph [0002]). Thus, Cooper at least fails to disclose or suggest “for each cell, . . . accumulating a first count of user messages having the cell included in the [neighbouring cell] list,” as recited by claim 19. Accordingly, Cooper fails to cure the deficiencies of Jung.

For at least these reasons, Applicants respectfully assert that independent claim 19 is allowable over the combination of Jung and Cooper. Additionally, Applicants respectfully assert that claims 21 and 22, which depend on independent claim 19, are allowable for at least the reason that they depend on an allowable independent claim.

F. Dependent Claim 7

Claim 7 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Cooper and further in view of 3GPP.

Applicants respectfully assert that claim 7, which depends on independent claim 19, is allowable for at least the reason that claim 7 depends on an allowable independent claim.

G. Independent Claim 33

Claim 33 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over 3GPP in view of Cooper.

Independent claim 33 recites, in part, “the user equipment transmits on an uplink.” Claim 33 also recites, “signaling, on the uplink, a second list including an indication of acceptable cells from the first list.” Thus, claim 33 recites that **the user equipment transmits** a list of acceptable cells.

In the final Office Action, the Examiner cites to section 7.1 of 3GPP, entitled ““MBMS Reception and UE Capability,” as disclosing user equipment transmitting a list of acceptable cells. (Page 21). This section of 3GPP relates to reception of MBMS transmissions and minimum UE capability requirements for reception of MBMS transmissions. Thus, Section 7.1 of 3GPP fails to disclose or suggest transmission from the user equipment.

Therefore, 3GPP at least fails to disclose or suggest the user equipment **transmitting** “a second list including an indication of acceptable cells from the” list of neighboring cells, as recited by claim 33.

Furthermore, Cooper discloses methods for the handover of a call between mobile communication networks such as UMTS and GSM networks. (Paragraph [0002]). However, Cooper also discloses signaling a list of **preferred networks**. Thus, Cooper at least fails to disclose or suggest “that the user equipment transmits a list of **acceptable cells**,” as recited by claim 33.

Moreover, it would not be obvious to combine Cooper and 3GPP. Cooper deals with handover of calls between networks like UMTS and GSM. 3GPP discusses support of Multimedia Broadcast Multicast Service (MBMS). Network handoffs and MBMS are different areas of technology and to combine the references would require changing the operation of either reference beyond the scope of that reference.

Therefore, for at least these reasons, Applicants respectfully assert that claim 33 is allowable over the combination of 3GPP and Cooper.

#### H. Dependent Claim 34

Claim 34 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over 3GPP in view of Cooper and further in view of Telefonaktiebolaget.

Applicants respectfully assert that claim 34, which depends on independent claim 33, is allowable for at least the reason that claim 34 depends on an allowable independent claim.

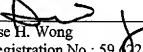
**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 562492000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 9, 2009

Respectfully submitted,

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